

**NARRATIVE EXPLANATION TO SUPPORT
SETTLEMENT PENALTY AMOUNT**

NOV/CO # 02009019

violation number 1(a)

1. Violation Description: failing to maintain hazardous waste in containers (Bone Yard).

1. Gravity Based Penalty

(a) Potential for Harm Moderate - The Ensign-Bickford Company (EBCO) stored a piece of decommissioned equipment containing hazardous waste in the Bone Yard for more than four months. During the time of storage, hazardous waste was released into the environment and had impacted the soil. However, considering that the volume of waste released was small, and that the area is fenced, the violation may potentially pose a moderate risk of exposure to human or other environmental receptors. Therefore, the potential for harm is determined as "moderate".

(attach additional sheets if necessary)

(b) Extent of Deviation Major - The violation substantially deviates from the requirements of the applicable regulations and results in substantial noncompliance. The hazardous waste was not properly placed into a closed and labeled container.

(attach additional sheets if necessary)

(c) Multiple/Multi-day Not considered. Moderate potential for harm and Major extent of deviation from the requirement result in penalty amount ranging from \$3,200 to \$4,400. The middle point of \$3,800 was selected based on an assessment of relevant factors.

(attach additional sheets if necessary)

2. Adjustment Factors (if applicable)

(a) Good faith

(attach additional sheets if necessary)

(b) Willfulness/Negligence

(attach additional sheets if necessary)

(c) History of Compliance

(attach additional sheets if necessary)

(d) Ability to pay

(attach additional sheets if necessary)

(e) Other Unique Factors

_____ (attach additional sheets if necessary)

3. Economic Benefit Not considered.

_____ (attach additional sheets if necessary)

4. Recalculation of Penalty Based on New Information

_____ (attach additional sheets if necessary)

**NARRATIVE EXPLANATION TO SUPPORT
SETTLEMENT PENALTY AMOUNT**

NOV # 02009019

violation number 1(b)

Violation Description: failing to maintain hazardous waste in containers (building 17)

1. Gravity Based Penalty

(a) Potential for Harm Minor – The chunks of explosives on the asphalt covered area did not appear to be old. Considering that the volume of waste released was small, and access to the production area is restricted to non-employees, minor potential for harm is determined.

_____(attach additional sheets if necessary)

(b) Extent of Deviation Major - The violation substantially deviates from the requirements of the applicable regulations and results in substantial noncompliance. The hazardous waste was not properly placed into a closed and labeled container. _____ (attach additional sheets if necessary)

(c) Multiple/Multi-day Not considered.
Minor potential for harm and major extent of deviation from the requirement result in penalty amount ranging from \$600 to \$1,200. The middle point of \$900 was selected based on an assessment of relevant factors.

_____(attach additional sheets if necessary)

2. Adjustment Factors (if applicable)

(a) Good faith
_____ (attach additional sheets if necessary)

(b) Willfulness/Negligence

_____ (attach additional sheets if necessary)

(c) History of Compliance

_____ (attach additional sheets if necessary)

(d) Ability to pay

_____ (attach additional sheets if necessary)

(e) Other Unique Factors

_____ (attach additional sheets if necessary)

3. Economic Benefit Not considered.

_____ (attach additional sheets if necessary)

4. Recalculation of Penalty Based on New Information

_____ (attach additional sheets if necessary)

**NARRATIVE EXPLANATION TO SUPPORT
SETTLEMENT PENALTY AMOUNT**

NOV # 02009019

violation number 1(c)

Violation Description: failing to maintain hazardous waste in containers (building 18)

1. Gravity Based Penalty

(a) Potential for Harm Moderate – It appeared that the chunks of explosive observed on the ground had been there for some time and had impacted the soil. The chunks of explosives left on ground outside the building may cause a substantial harm to human health and the environment. However, Considering that the volume of waste released was small, and the access to the area is restricted to non-employees, moderate potential for harm is determined.

_____ (attach additional sheets if necessary)

(b) Extent of Deviation Major - The violation substantially deviates from the requirements of the applicable regulations and results in substantial noncompliance. The hazardous waste was not properly placed into a closed and labeled container.

_____ (attach additional sheets if necessary)

(c) Multiple/Multi-day Not considered.
Moderate potential for harm and major extent of deviation from the requirement result in penalty amount ranging from \$3,200 to \$4,400. The middle point of \$3,800 was selected based on an assessment of relevant factors.

_____ (attach additional sheets if necessary)

2. Adjustment Factors (if applicable)

(a) Good faith

_____ (attach additional sheets if necessary)

(b) Willfulness/Negligence

_____ (attach additional sheets if necessary)

(c) History of Compliance

_____ (attach additional sheets if necessary)

(d) Ability to pay

_____ (attach additional sheets if necessary)

(e) Other Unique Factors

_____ (attach additional sheets if necessary)

3. Economic Benefit Not considered.

_____ (attach additional sheets if necessary)

4. Recalculation of Penalty Based on New Information

_____ (attach additional sheets if necessary)